

HOUSE BILL NO. 76

INTRODUCED BY J. SCHILLINGER

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING TRANSPORTATION LAWS; PROVIDING FOR A LOCAL GOVERNMENT ROAD CONSTRUCTION AND MAINTENANCE RESTRICTED ACCOUNT; REPEALING THE BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY RESTRICTED ACCOUNT, AND REPEALING AND AMENDING ASSOCIATED STATUTES; REDIRECTING FUNDING INTO THE LOCAL GOVERNMENT ROAD CONSTRUCTION MAINTENANCE ACCOUNT; REPEALING THE COUNTY COMMISSIONER'S DISCRETION TO AUTHORIZE CERTAIN USES OF COUNTY HIGHWAY OR ROAD MACHINERY OR EQUIPMENT; PROVIDING A STATUTORY APPROPRIATION; ELIMINATING STATUTORY APPROPRIATIONS; AMENDING SECTIONS 15-70-101, 15-70-403, 15-70-419, 17-5-903, 17-7-502, AND 60-3-201, MCA; REPEALING SECTIONS 7-14-102, 15-70-127, 15-70-130, AND 60-2-225, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Local government road construction and maintenance restricted account -- statutory appropriation. (1) There is a local government road construction and maintenance restricted account in the state special revenue fund provided for in 17-2-102 to provide funding to cities, towns, counties, and consolidated city-county governments for the construction, reconstruction, maintenance, and repair of rural roads, city or town streets and alleys, and bridges. The funds in this account are statutorily appropriated, as provided in 17-7-502, to the department of transportation for distribution as provided in 15-70-101.

(2) All interest and income earned on the account must, in accordance with the provisions of 17-2-124, be deposited to the credit of the account, and any unexpended balance in the account must remain in the account. Revenue from the gasoline and special fuel taxes must be deposited in the account pursuant to 15-70-403(2)(c) and (3)(c).

1 (3) The money in the account is restricted as provided in Article VIII, section 6, of the Montana
2 constitution.

3

4 **Section 2.** Section 15-70-101, MCA, is amended to read:

5 **"15-70-101. Disposition of funds.** (1) Those funds allocated to cities, towns, counties, and
6 consolidated city-county governments in this section must, in accordance with the provisions of 17-2-124, be
7 paid by the department from the ~~highway restricted account provided for in 15-70-126~~ local government road
8 construction and maintenance restricted account provided for in [section 1] to the cities, towns, counties, and
9 consolidated city-county governments.

10 (2) ~~The amount of \$16,816,000 of the taxes collected under this chapter and deposited in the~~
11 ~~highway restricted account in 15-70-126 is statutorily appropriated, as provided in 17-7-502, to the department~~
12 ~~of transportation and must be distributed each fiscal year on a monthly basis to the counties, incorporated cities~~
13 ~~and towns, and consolidated city-county governments in Montana for construction, reconstruction,~~
14 ~~maintenance, and repair of rural roads and city or town streets and alleys, as provided in subsections (2)(a)~~
15 ~~through (2)(e).~~ The allocated funds must be distributed as follows:

16 (a) The amount of \$150,000 must be designated for the purposes and functions of the Montana
17 local technical assistance transportation program in Bozeman.

18 (b) ~~The amount of \$6,306,000~~ Three-eighths of the remaining amount must be divided among the
19 various counties in the following manner:

20 (i) 40% in the ratio that the rural road mileage in each county, exclusive of the national highway
21 system and the primary system, bears to the total rural road mileage in the state, exclusive of the national
22 highway system and the primary system;

23 (ii) 40% in the ratio that the rural population in each county outside incorporated cities and towns
24 bears to the total rural population in the state outside incorporated cities and towns;

25 (iii) 20% in the ratio that the land area of each county bears to the total land area of the state.

26 (c) ~~The amount of \$10,360,000~~ The remaining funds must be divided among the incorporated
27 cities and towns in the following manner:

28 (i) 50% of the sum in the ratio that the population within the corporate limits of the city or town

1 bears to the total population within corporate limits of all the cities and towns in Montana;

2 (ii) 50% in the ratio that the city or town street and alley mileage, exclusive of the national highway
3 system and the primary system, within corporate limits bears to the total street and alley mileage, exclusive of
4 the national highway system and primary system, within the corporate limits of all cities and towns in Montana.

5 (3) (a) For the purpose of allocating the funds in subsections (2)(b) and (2)(c) to a consolidated
6 city-county government, each entity must be considered to have separate city and county boundaries. The city
7 limit boundaries are the last official city limit boundaries for the former city unless revised boundaries based on
8 the location of the urban area have been approved by the department of transportation and must be used to
9 determine city and county populations and road mileages in the following manner:

10 (i) Percentage factors must be calculated to determine separate populations for the city and rural
11 county by using the last official decennial federal census population figures that recognized an incorporated city
12 and the rural county. The factors must be based on the ratio of the city to the rural county population,
13 considering the total population in the county minus the population of any other incorporated city or town in the
14 county.

15 (ii) The city and county populations must be calculated by multiplying the total county population,
16 as determined by the latest official decennial census or the latest interim year population estimates from the
17 Montana department of commerce as supplied by the United States bureau of the census, minus the population
18 of any other incorporated city or town in that county, by the factors established in subsection (3)(a)(i).

19 (b) The amount allocated by this method for the city and the county must be combined, and single
20 monthly payments must be made to the consolidated city-county government.

21 (4) All funds allocated by this section to counties, cities, towns, and consolidated city-county
22 governments must be used for the construction, reconstruction, maintenance, and repair of rural roads or city or
23 town streets and alleys or for the share that the city, town, county, or consolidated city-county government
24 might otherwise expend for proportionate matching of federal funds allocated for the construction of roads or
25 streets that are part of the primary or secondary highway system or urban extensions to those systems. The
26 governing body of a town or third-class city, as defined in 7-1-4111, may each year expend no more than 25%
27 of the funds allocated to that town or third-class city for the purchase of capital equipment and supplies to be
28 used for the maintenance and repair of town or third-class city streets and alleys. The governing body of a town

1 or third-class city may place all or a part of the 25% in a restricted asset account within the gas tax
2 apportionment fund that is carried forward until there is a need for the expenditure.

3 (5) All funds allocated by this section to counties, cities, towns, and consolidated city-county
4 governments must be disbursed to the lowest responsible bidder according to applicable bidding procedures
5 followed in all cases in which the contract for construction, reconstruction, maintenance, or repair is in excess of
6 the amounts provided in 7-5-2301 and 7-5-4302.

7 (6) For the purposes of this section in which distribution of funds is made on a basis related to
8 population, the population must be determined annually for counties and biennially for cities according to the
9 latest official decennial census or the latest interim year population estimates from the Montana department of
10 commerce as supplied by the United States bureau of the census.

11 (7) For the purposes of this section in which determination of mileage is necessary for distribution
12 of funds, it is the responsibility of the cities, towns, counties, and consolidated city-county governments to
13 furnish to the department of transportation a yearly certified statement indicating the total mileage within their
14 respective areas applicable to this chapter. All mileage submitted is subject to review and approval by the
15 department of transportation.

16 (8) Except by a town or third-class city as provided in subsection (4), the funds authorized by this
17 section may not be used for the purchase of capital equipment.

18 ~~(9) Funds authorized by this section must be used for construction and maintenance programs~~

19 (9) Unused balances remaining in the former 15-70-127 bridge and road safety and accountability
20 restricted account as of June 30, 2023, must be distributed in accordance with subsections (2)(b) and (2)(c) on
21 September 1, 2023."

22

23 **Section 3.** Section 15-70-403, MCA, is amended to read:

24 **"15-70-403. Gasoline, special fuel, and aviation fuel tax -- incidence -- rates.** (1) The incidence of
25 the fuel tax is on the distributor for the privilege of engaging in and carrying on business in this state. Each
26 distributor shall pay to the department of transportation a tax in an amount equal to:

27 (a) 33 cents for each gallon of gasoline distributed by the distributor within the state and ~~upon on~~
28 which the gasoline tax has not been paid by any other distributor; ;

1 (i) ~~31.5 cents in fiscal years 2018 and 2019;~~

2 (ii) ~~32 cents in fiscal years 2020 and 2021;~~

3 (iii) ~~32.5 cents in fiscal year 2022; and~~

4 (iv) ~~33 cents in fiscal year 2023 and thereafter;~~

5 (b) 29.75 cents for each gallon of special fuel distributed by the distributor within the state and on
6 which the special fuel tax has not been paid by any other distributor; and

7 (i) ~~29.25 cents in fiscal years 2018 and 2019;~~

8 (ii) ~~29.45 cents in fiscal years 2020 and 2021;~~

9 (iii) ~~29.55 cents in fiscal year 2022; and~~

10 (iv) ~~29.75 cents in fiscal year 2023 and thereafter; and~~

11 (c) 5 cents for each gallon of aviation fuel, other than fuel sold to the federal defense fuel supply
12 center, which is allocated to the department as provided by 67-1-301.

13 (2) The gasoline tax provided for in subsection (1)(a) must be deposited as follows:

14 (a) the revenue from ~~23~~ 22 cents of the tax less the allocations provided for in 60-3-201(1)(a)
15 through (1)(d) to the highway restricted account provided for in 15-70-126;

16 (b) the revenue from 4 cents of the tax less the allocations provided for in 60-3-201(1)(a) through
17 (1)(d) to the highway patrol administration state special revenue account established in 44-1-110; and

18 (c) the remaining revenue from the tax less the allocations provided for in 60-3-201(1)(a) through
19 (1)(d) to the ~~bridge and road safety and accountability~~ local government road construction and maintenance
20 restricted account provided for in ~~45-70-127~~ [section 1].

21 (3) The special fuel tax provided for in subsection (1)(b) must be deposited as follows:

22 (a) the revenue from ~~23 3/4~~ 24.6 cents of the tax to the highway restricted account provided for in
23 15-70-126;

24 (b) the revenue from 4 cents of the tax to the highway patrol administration state special revenue
25 account established in 44-1-110; and

26 (c) the remaining revenue from the tax to the ~~bridge and road safety and accountability~~ local
27 government road construction and maintenance restricted account provided for in ~~45-70-127~~ [section 1].

28 (4) Gasoline or special fuel may not be included in the measure of the distributor's tax if it is sold

1 for export unless the distributor is not licensed and is not paying the tax to the state where the fuel is destined.

2 (5) Special fuel may not be included in the measure of the distributor's tax if it is dyed by injector at
3 a refinery or terminal for off-highway use.

4 (6) When no Montana fuel tax has been paid by a distributor or any other person, the department
5 shall collect or cause to be collected from the owners or operators of motor vehicles operating on the public
6 roads and highways of this state a tax equal to the tax rate provided for in subsection (1)(a) for gasoline and
7 subsection (1)(b) for dyed or undyed special fuel. The tax must be paid for each gallon of gasoline or special
8 fuel as defined in this part, or other volatile liquid, except liquid petroleum gas, of less than 46 degrees A.P.I.
9 (American petroleum institute) gravity test sold or used to produce motor power to operate motor vehicles on
10 the public roads and highways of this state.

11 (7) The tax may not be imposed on dyed special fuel delivered into the fuel supply tank of a
12 vehicle that is equipped with a feed delivery box if:

13 (a) the feed delivery box is permanently affixed to the vehicle;

14 (b) the vehicle is used exclusively for the feeding of livestock; and

15 (c) the gross vehicle weight of the vehicle, exclusive of any towed units, is greater than 12,000
16 pounds.

17 (8) All special fuel or other volatile liquid, except liquid petroleum gas, of less than 46 degrees
18 A.P.I. (American petroleum institute) gravity test sold or used in motor vehicles, motorized equipment, and the
19 internal combustion of any engines, including stationary engines, and used in connection with any work
20 performed under any contracts pertaining to the construction, reconstruction, or improvement of a highway or
21 street and its appurtenances awarded by any public agencies, including federal, state, county, municipal, or
22 other political subdivisions, must be fuel on which Montana fuel tax has been paid.

23 (9) Material used for construction, reconstruction, or improvement in connection with work
24 performed under a contract as provided in subsection (8) must be produced using fuel on which Montana fuel
25 tax has been paid."

26

27 **Section 4.** Section 15-70-419, MCA, is amended to read:

28 **"15-70-419. Improperly imported fuel -- seizure.** (1) As used in this section, the following definitions

1 apply:

2 (a) "Conveyance" means a tank car, vehicle, or vessel that is used to transport fuel.

3 (b) "Peace officer" means an employee of the department of transportation designated or
4 appointed as a peace officer under 61-10-154 or 61-12-201.

5 (2) Pursuant to 61-12-206(5), a peace officer may:

6 (a) stop and search a conveyance in the state if the peace officer has reasonable cause to believe
7 that the conveyance is being used to carry improperly imported fuel and is intentionally avoiding fuel tax
8 responsibilities; and

9 (b) seize without a warrant imported fuel for which the distributor or transporter has not obtained a
10 valid Montana gasoline or special fuel distributor license as required in 15-70-402.

11 (3) The peace officer shall obtain authorization from the director of the department or the director's
12 designee before seizing fuel.

13 (4) Upon seizing the fuel that the peace officer believes to be improperly imported, the peace
14 officer may:

15 (a) direct the rerouting or transfer of the fuel to a location designated by the department. The
16 department shall reimburse the carrier for transportation costs from the point of seizure to the location
17 designated by the department.

18 (b) unload the fuel; and

19 (c) take three samples of the fuel from the cargo tank for examination.

20 (5) Within 48 hours after seizure of the improperly imported fuel, the department shall issue a
21 notice of right to file claim for the return of interest or title to the fuel. The notice must be issued to:

22 (a) the original owner of the fuel;

23 (b) the owner of the transportation company that conveyed the fuel; and

24 (c) any other interested party.

25 (6) The parties listed in subsections (5)(a) through (5)(c) may file a claim for the return of interest
26 or title to the fuel within 30 days after the date of seizure. If a claim is filed for interest or title to the seized fuel,
27 the department shall:

28 (a) provide the opportunity for a hearing;

- 1 (b) if requested, conduct the hearing within 5 days after receiving the claim;
- 2 (c) make a final determination of the party to take interest or title to the fuel within 2 working days
3 after the hearing; and
- 4 (d) mail notice of the department's determination to interested parties.
- 5 (7) (a) The department may determine that the seized fuel be forfeited by the original owner and
6 may:
- 7 (i) sell the fuel to the licensed Montana distributor predetermined through a bidding process
8 established in department administrative rule; or
- 9 (ii) use the forfeited fuel for a public purpose determined by the department.
- 10 (b) The department shall issue a certificate of sale to the licensed distributor who purchases the
11 seized fuel.
- 12 (c) The net proceeds from the sale of the fuel must be deposited in the general fund, less:
- 13 (i) the applicable taxes and fees, which the department shall deposit ~~in the highway restricted~~
14 ~~account provided for in 15-70-126 and the bridge and road safety and accountability restricted account provided~~
15 ~~for in 15-70-127~~ in the proportion provided by 15-70-403(2);
- 16 (ii) the interest and penalties collected under this chapter, which the department shall deposit in
17 the highway nonrestricted account provided for in 15-70-125; and
- 18 (iii) the administrative costs incurred in conjunction with the seizure and disposal of the improperly
19 imported fuel.
- 20 (8) If the department determines that the original owner of the fuel may reclaim interest or title to
21 the fuel, the department may:
- 22 (a) return to the owner money, less tax and penalty, equal to the wholesale value of the fuel on the
23 day of the seizure; or
- 24 (b) return the fuel.
- 25 (9) A person forfeits the interest, right, and title to improperly imported fuel if the person:
- 26 (a) fails to file a claim for the seized fuel within the time allowed in subsection (6); or
27 (b) is determined to be guilty of violating fuel tax laws.
- 28 (10) A person whose fuel is seized under this section is not relieved of any penalties imposed for

1 illegal fuel importation in Title 15, chapter 70."

2

3 **Section 5.** Section 17-5-903, MCA, is amended to read:

4 **"17-5-903. Definitions.** As used in this part, the following definitions apply:

5 (1) "Board" means the board of examiners created under 2-15-1007.

6 (2) "Bonds" means bonds, notes, or other evidences of indebtedness issued pursuant to this part
7 as highway revenue bonds.

8 (3) "Cost", as applied to any highway project, means any cost of construction or acquisition of any
9 part of the highway project, including but not limited to the cost of supervising, inspecting, and constructing the
10 highway project, interest during construction and for up to 6 months thereafter, and all costs and expenses
11 incidental thereto; the costs of locating, surveying, mapping, resurfacing, restoration, and rehabilitation;
12 acquisition of rights-of-way; relocation assistance; elimination of hazards of railroad grade crossings; acquisition
13 of replacement housing sites; and acquisition, rehabilitation, relocation, and construction of replacement
14 housing; and improvements necessary to directly facilitate and control traffic flow, including grade separation of
15 intersections, widening of lanes, channelization of traffic, and traffic control systems.

16 (4) "Department" means the department of transportation provided for in Title 2, chapter 15, part
17 25.

18 (5) "Highway projects" means the construction, reconstruction, maintenance, and repair of
19 commission-designated highway systems and state highways as those terms are defined in 60-1-103.

20 (6) "Highway revenues" means the revenues specified in Article VIII, section 6, of the Montana
21 constitution and 15-70-126 and ~~45-70-127~~ [section 1] as revenues from gross vehicle weight fees and excise
22 and license taxes (except general sales and use taxes, if any) on gasoline, fuel, and other energy sources used
23 to propel vehicles on public highways and any other revenues, taxes, or receipts credited to the department in
24 the state special revenue fund and the federal special revenue fund.

25 (7) "Outstanding bonds" means bonds issued and outstanding at any particular time but does not
26 include bonds owned by the state, bonds that have been refunded, or bonds for the payment of which an
27 irrevocable deposit of cash and United States government securities has been made in an amount sufficient to
28 pay principal, interest, and redemption premium, if any, when due."

1

2 **Section 6.** Section 17-7-502, MCA, is amended to read:

3 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
4 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without
5 the need for a biennial legislative appropriation or budget amendment.

6 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with
7 both of the following provisions:

8 (a) The law containing the statutory authority must be listed in subsection (3).

9 (b) The law or portion of the law making a statutory appropriation must specifically state that a
10 statutory appropriation is made as provided in this section.

11 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-
12 11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-
13 807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-218;
14 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; ~~15-70-404~~; ~~15-~~
15 ~~70-130~~ [section 1]; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-
16 215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-
17 305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; [20-15-328]; 20-26-617; 20-
18 26-1503; 22-1-327; 22-3-116; 22-3-117; [22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-
19 402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213;
20 44-13-102; 46-32-108; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115;
21 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-
22 13-150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006;
23 81-1-112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-526; 85-20-1504; 85-20-1505; [85-25-
24 102]; 87-1-603; 87-5-909; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

25 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
26 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
27 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
28 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined

1 by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have
 2 statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the
 3 inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement
 4 system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410
 5 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental
 6 benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on
 7 occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117
 8 terminates June 30, 2025; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30,
 9 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025;
 10 pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8,
 11 Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec.
 12 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017,
 13 the inclusion of 76-17-103 terminates June 30, 2027; pursuant to sec. 5, Ch. 50, L. 2019, the inclusion of 37-50-
 14 209 terminates September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates
 15 June 30, 2029; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June
 16 30, 2027; pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; pursuant to
 17 sec. 5, Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023; pursuant to secs. 1, 2, 3, Ch. 139,
 18 L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion
 19 of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004
 20 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30,
 21 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; and
 22 pursuant to sec. 15, Ch. 574, L. 2021, the inclusion of 46-32-108 terminates June 30, 2023.)"

23

24 Section 7. Section 60-3-201, MCA, is amended to read:

25 "**60-3-201. Distribution and use of proceeds of gasoline tax.** (1) Money received in payment of the
 26 gasoline tax under 15-70-403, except those amounts paid out of the department's suspense account for
 27 gasoline tax refund, must be deposited as provided in 15-70-403(2) and (3) and used and expended as
 28 provided in 15-70-126 and ~~45-70-427~~ section 1 and this section. After deductions for amounts paid out of the

1 suspense account for gasoline tax refunds, the remainder of the gasoline tax collected under 15-70-403 is
2 allocated as follows:

3 (a) 9/10 of 1% to the state park account;

4 (b) 15/28 of 1% to a snowmobile account in the state special revenue fund;

5 (c) 1/8 of 1% to an off-highway vehicle account in the state special revenue fund to be used
6 pursuant to 23-2-825;

7 (d) 1/25 of 1% to the aeronautics revenue fund of the department under the provisions of 67-1-
8 301; and

9 (e) the remaining amount as provided for in 15-70-126 and ~~45-70-127~~ [section 1].

10 (2) The department shall, in expending this money, carry forward construction from year to year,
11 using the money expended in accordance with this title. Nothing in this title conflicts with Title 23 of the United
12 States Code and the rules by which it is administered.

13 (3) The department may enter into cooperative agreements with the national park service and the
14 federal highway administration for the purpose of maintaining national park approach roads in Montana.

15 (4) Money credited to the state park account in the state special revenue fund may be used only
16 for the creation, improvement, and maintenance of state parks where motorboating is allowed. The legislature
17 finds that of all the fuel sold in the state for consumption in internal combustion engines, except fuel for which
18 refunds have been made, not less than 9/10 of 1% is used for propelling boats on waterways of this state.

19 (5) (a) Money credited to the snowmobile account may be used only to develop and maintain
20 facilities open to the general public at no admission cost, to promote snowmobile safety, for enforcement
21 purposes, and for the control of noxious weeds.

22 (b) Of the amounts deposited in the snowmobile account:

23 (i) 13% of the amount deposited must be used by the department of fish, wildlife, and parks to
24 promote snowmobile safety and education and to enforce snowmobile laws. Two-thirds of the 13% deposited
25 must be used to promote snowmobile safety and education and one-third of the 13% deposited must be used
26 for the enforcement of snowmobile laws.

27 (ii) 1% of the amount deposited must be credited to the noxious weed management special
28 revenue fund provided for in 80-7-816.

1 (c) The legislature finds that of all fuels sold in this state for consumption in internal combustion
2 engines, except fuel for which refunds have been made, not less than 15/28 of 1% is used for propelling
3 registered snowmobiles in this state.

4 (6) The legislature finds that of all fuel sold in this state for consumption in internal combustion
5 engines, except fuel for which refunds have been made, not less than 1/8 of 1% is used for propelling off-
6 highway vehicles in this state.

7 (7) Money credited to the aeronautics operations account provided for in 67-1-308 may be used
8 only to develop, improve, and maintain facilities open to the public at no admission cost and to promote aviation
9 safety. The legislature finds that of all the fuel sold in this state for consumption in internal combustion engines
10 not less than 1/25 of 1% is used for propelling aircraft in this state."
11

12 **NEW SECTION. Section 8. Repealer.** The following sections of the Montana Code Annotated are
13 repealed:

- 14 7-14-102. Allocation of state funds for public transportation.
- 15 15-70-127. Bridge and road safety and accountability restricted account.
- 16 15-70-130. Local government road construction and maintenance match program.
- 17 60-2-225. Department to maintain projects website.

18
19 **NEW SECTION. Section 9. Codification instruction.** [Section 1] is intended to be codified as an
20 integral part of Title 15, chapter 70, part 1, and the provisions of Title 15, chapter 70, part 1, apply to [section 1].
21

22 **NEW SECTION. Section 10. Effective date.** [This act] is effective July 1, 2023.

23 - END -